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| 10/073,608 | 02/11/2002 | Vadakkedathu T. Rajan | YOR920020050 | 5945 |

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPT.
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| EXAMINER |
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BROWN JR, NATHAN H

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| ART UNIT | PAPER NUMBER |
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2129

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| MAIL DATE | DELIVERY MODE |
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11/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/073,608

Applicant(s)

RAJAN ET AL.

Examiner

NATHAN H. BROWN JR

Art Unit

2129

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Examiner's Detailed Office Action

1. This Office Action is responsive to the communication for application 10/073,608 filed July 20, 2009.
2. Claims 6-22 are pending. Claims 6 and 11-18 are currently amended. Claims 1-5 are cancelled. Claims 7-10 and 19-22 are previously presented.
3. After the previous office action, claims 6-18 stood rejected, while 19-22 were allowed.

Claim Rejections - 35 USC § 112, 2nd

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 recites the limitations:

"said objects" in step a),

"said potential alternative properties" in step b), and

"said lowest cost property" in step c). There is insufficient antecedent basis for these limitations in the claim.

6. Claim 13 recites the limitations:

"said object's class" in line two,
"said object's creator object" in line three, and
"said object's creation site" in line three. There is insufficient antecedent basis for these limitations in the claim.

7. Claim 14 recites the limitations:

"said alternative properties" in line one. There is insufficient antecedent basis for this limitation in the claim as the previous recitation of "alternative properties" was of "said potential alternative properties" which has no antecedent basis.

8. Claim 15 recites the limitations:

"said alternative properties" in line one. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 16 recites the limitations:

"the object's class" in line two. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 17 recites the limitations:

"the object's class" in line two and

"the object class" in line three. There is insufficient antecedent basis for these limitations in the claim. Examiner points out the distinction between 'the object's class' (i.e., *the class in which* an object is classified or is a subclass of) and 'the object class' (i.e., *the class of all objects*).

11. Claim 18 recites the limitations:

"the object class" in line two. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

12. Claims: 6-10 and 19-22 are allowed.

13. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 0830-1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nathan H. Brown, Jr./
Examiner, Art Unit 2129
November 2, 2009
/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129